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National Security Strategy Development Resourcing, and Implementation: Role of the Legislature

Malawi Topical Outreach Symposium Lilongwe, Malawi

COL (ret.) Tom Dempsey

FORGING PARTNERSHIPS FOR AFRICA'S FUTURE

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National Defense University 300 5th Avenue Building 21 Fort Lesley J. McNair Washington, D.C. 20319-5066 www.AfricaCenter.org

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Why Involve Legislatures?

- Constitutionally required (rule of law and democratic governance)
- Key vehicle for broadening discussion of and support for the strategy
 - Role of the "Loyal Opposition"
 - Link to legislative constituencies
 - Civil society participation and media coverage
- Critical link to resourcing
- Requirements for enabling legislation
- Ongoing oversight and accountability



Constitutional Framework

- Role and structure of government
 - Separation of powers
 - Avoiding "winner take all" politics
- Specific legislative responsibilities
 - Resource allocation
- Shared responsibilities
 - "Advise and consent"
 - Oversight and accountability
 - Treaties, international agreements
- Resourcing (national budget) and budget implementation and oversight



Supporting and Enabling Legislation

- National Budget
- Roles and missions of security services (e.g., National Defense Act)
- Structure and size of security forces
- National security decision-making structures, institutions and processes (e.g., National Security Councils, interagency working groups)
- Civil and Criminal Codes, Uniform Codes of Military Justice
- Intelligence sector roles, missions, structures and institutions, and rule of law framework



Consultative Functions

- Constituent outreach
 - Public input on key issues
 - Public education
- Information gathering and investigative hearings
 - Testimony by key security sector officials, civilian and uniformed (legislative oversight)
 - Media coverage of proceedings transparency and public disclosure
- Legislative Committees
 - Enable substantive focus and information gathering on behalf of the legislature as a whole
 - Vehicles for crafting specific legislation
 - Can facilitate balance between transparency and secrecy/confidentiality



Challenges to Legislative Consultation

- Lack of technical expertise
- The "information gap"
- Lack of adequate staff and operating budgets for MPs
 - Individual staff
 - Committee staff
- The Executive Branch-Legislative Branch political divide
 - Partisan divides
 - Functional divides
- Security Sector strategic leaders: divided loyalties, shared responsibilities



Elements of the Security Sector

Non-state Actors

Rebels
Militias
Gangs
Criminal orgs.
Cartels
Private security
companies

Armed and Public Security Forces

Police/Military
Paramilitary
Border security
Coast guards
Intelligence community
Customs agents

Civil Management/ Oversight Bodies

Executive
Civilian ministries
Legislatures
Justice system
Municipal and district
governments/councils

Other Actors

Donors
Intl. Financial
Institutions
Neighbors
Regional orgs.

Civil Society

Media
Academia
Civic groups
Think tanks
Business communities



Strategy Formulation Model

Global Environment (Forces & Trends)

- Alliances & Coalitions
- Competing Values
- Economic Conditions
- Globalization
- Information Revolution
- International Law
- International Organizations
- Non-State Actors
- Threats: Conventional & Transnational
- WMD

National Purpose (Enduring Beliefs, Culture, Ethics and Values) **National Interests** Grand Strategy/Strategic Vision **National Policy Strategy Formulation Process** National Objectives (Ends) **Strategic Concepts National Power** (Ways) (Means) Feasibility, Suitability, Acceptability Risk Assessment **STRATEGY** Monitor for Success, Failure, or Modification

Domestic Environment (Forces & Trends)

- Federal system of government
- Congress
- Bureaucracy
- Judiciary
- Interest Groups
- Economic conditions
- Social needs
- Electoral politics
- The media
- Public opinion
- National style, self-image
- Presidential style



The Big Questions

(Crafting the Strategy)

- Who leads the process?
 - Typically executive branch, but who? President? Chief of Cabinet? Minister of Defense?
- Who are [participating] stakeholders and the intended audiences?
 - The public?
 - The executive and/or legislative branch?
 - External partners?
 - Potential adversaries?
- What is the drafting process?
- Who approves, and how?
- Who funds? Is resourcing part of the strategy or part of implementation?



The Big Questions

(Implementing the Strategy)

- Who leads implementation?
 - Typically executive branch, but who? President? Chief of Cabinet? Minister of Defense?
 - How are critical (ie, crisis response) decisions generated and implemented?
- How are implementing stakeholders incorporated in the implementation process?
 - Police, military, other services?
 - Governance bodies local, intermediate, national?
 - External partners?
 - Non-state actors?
- Who provides oversight, accountability and, if necessary, adjustment to the strategy?
- How are resources allocated and controlled?



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